

CHEROKEE COUNTY
SUPERFUND SITE
OPERABLE UNIT 08 RAILROADS

PROPOSED PLAN PUBLIC MEETING

TRANSCRIPT OF PROCEEDINGS

AUGUST 15, 2016



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4 (Start: 6:36 p.m.)

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6 **MR. DOOLAN:** Welcome everybody. My name is Mark Doolan.

7 I'm with the EPA Region 7 Superfund program. I will be your

8 hearing officer tonight, kind of just leading up the meeting

9 here.

10 The purpose of our meeting tonight is to discuss our

11 proposed plans for Operable Unit 08 of the Cherokee County Site

12 which is called the Railroads, and we're here to present EPA's

13 Preferred Alternative, along with the other alternatives that we

14 looked at and to take comments on those alternatives. We hope

15 to hear from all of you, and that's the whole purpose of the

16 meeting is to voice your opinion about the remedies that EPA

17 selects.

18 So, I'd just like to welcome you all. Thank you all for

19 being here.

20 Liz Hagenmaier to my left here, is the Project Manager for

21 the site. She is going to be presenting the Alternatives and

22 doing most of the presentation tonight. We also have quite a

23 number of people from the EPA and KDHE here. Todd Campbell and

24 Jeremy Ford are with us. They both helped Liz doing -- working

25 on the remediation in Cherokee County. We have Conrad Bonney

1 who is one of our student interns that is learning his way
2 through EPA and what we do. We have got a couple of people here
3 from our Community Outreach, and it's Brandon Corazzin and
4 Robbie Valluri, are here from Public Affairs, so they are here
5 to assist you in any way that you need. And, from KDHE, we have
6 Chris Hase who is the Project Manager on the site, and Joe Dom
7 who is the Unit Leader for DKHE. I almost forgot Bob. We also
8 have Bob Richards who is our EPA Site Attorney that will be here
9 tonight.

10 As you might have noticed, we have a court reporter with
11 us tonight who is going to transcribe everything that is said,
12 so when we get to the question and answer period in a little
13 while, we just ask that you give us your name, speak loudly so
14 our court reporter can get all of your comments down. If you
15 would, we would like you to come up and use the microphone, or
16 else speak really loudly because it is important for us to get
17 down everything that is said.

18 We will be preparing a document that goes along with the
19 final Record of Decision. It is called the Responsiveness
20 Summary. We'll have the transcript of tonight's meeting that
21 will be available in the Administrative Record, but then we also
22 put together a list of every question that was asked, either at
23 this meeting or was submitted during the public comment period,
24 with a response to those questions. So it's, you know,
25 important that we get your questions so we can assess the

1 community's opinion of our remedy, if you will. Again, we will
2 have questions and answers, so at the end, if you will just give
3 us your name and speak loudly when you ask your question, and
4 we'll get it all down, and I guess, unless I forgot anything,
5 without any further ado, we'll go ahead and let Liz get started,
6 and give us a presentation tonight.

7 Thanks for coming.

8 **MS. HAGENMAIER:** All right. Again, good evening,
9 everybody.

10 My name is Liz Hagenmaier, or Elizabeth Hagenmaier, and I
11 am a Project Manager for EPA Region 7, working on the Cherokee
12 County Superfund site.

13 Can you hear me okay, especially in the back? Okay,
14 great.

15 As stated, this is the Public Meeting to go over our
16 proposed plan for our Operable Unit 08, the Railroads, as part
17 of the Cherokee County Superfund Site, and it covers the
18 inactive rail lines that are found in the site, so let's get
19 started. Again, the purpose of the meeting is to provide some
20 background information of the site, EPA's process on-site, and
21 our Preferred Alternative for the inactive rail lines on the
22 site, and most importantly, here to solicit comments from the
23 public on that proposed plan.

24 So a little bit about our Superfund process. Our
25 authority under CERCLA, also known as the Superfund Law, applies

1 to the clean-up of releases or threat of releases of hazardous
2 substances at abandoned sites. So the process begins with site
3 discovery, the initial investigation, and listing on our
4 National Priorities List. Then, when it is listed, we perform a
5 Remedial Investigation, Feasibility study, Risk Assessments and
6 other studies to support a Record of Decision, or what's called
7 a ROD, and this is where we are in the process.

8 We are here. We first published a Proposed Plan during
9 the Public -- before the Public Comment Period ends. We have a
10 public meeting during the Public Comment Period, and then we
11 move to our Record of Decision, or ROD, and then dependent on
12 funding, we would move towards our Remedial Design and Remedial
13 Action.

14 So the Cherokee County Site is the Kansas portion of the
15 Tri-State Mining District (TSMD). The District also includes
16 Missouri and Oklahoma, and the Cherokee County Site encompasses
17 about 115 square miles, and the Site is divided into nine
18 Operable Units. This presentation is covering the Proposed
19 Action at Operable Unit 08, the Rail Lines, and as noted here,
20 lead and zinc mining happened throughout the Site from the
21 middle 1800's, for over a century and a half, with final mining
22 activities ending in 1970.

23 So to continue a little bit on our Site history, during
24 the years that the mines operated, railroads were constructed in
25 Cherokee County to link from the large-scale conventional rail

1 lines to the individual mining operations, and that ballast
2 material for the railbeds was typically composed of chat from
3 the surrounding mine waste piles. And then, these historical
4 rail lines were abandoned when mining operations ceased at that
5 mine. Currently, the historical railbeds are in varying
6 conditions.

7 So, there are nine Operable Units to cover other subsites.

8 OUs 01, 05, and 07 cover the Galena subsite; OU 02 covers the
9 Spring River Basin; OU 03 is for the Baxter Springs area; OU 04
10 is for the former city of Treece; OU 06 are the northern
11 subsites of Badger, Lawton, Crestline, and Waco; and OU 08 is
12 the inactive rail lines; and OU 09 is the Tar Creek Watershed.
13 Here is a map of our Cherokee County Superfund Site with the
14 different subsites and the area that they take up, and then the
15 next map is specific to the limits of OU 08.

16 So, the blue lines are the active lines within Cherokee
17 County. There's two lines, one that goes through Galena, and
18 the other north to south through Baxter Springs, and then the
19 purple-shaded areas, which are seen throughout, are our inactive
20 rail lines that we are addressing under OU 08, while the orange
21 parts are areas that are no longer present or have been
22 remediated previously by EPA or others. And then, the green
23 areas will be remediated or are addressed under other Operable
24 Units such as OU 03 with Baxter Springs, or OU 04 in Treece. So
25 there are other clean-ups going on that will be addressing those

1 parts of the rail lines. So this OU 08 is just those -- the
2 purple-shaded lines so it is kind of scattered a little bit
3 because of the varying degrees of work that have happened in
4 Cherokee County so far.

5 So EPA placed the Cherokee County site on the National
6 Priorities List in 1983, and began its investigation of the
7 Galena Subsite in 1985. Now, OU 08 was added to the Cherokee
8 County Site in 2012, and a Remedial Investigation Feasibility
9 Study (RI/FS) began in 2013 and ended this year.

10 Again, OU 08 comprised of the rail lines that have not and
11 will not be addressed by the remediation at other OUs, and that
12 have not been addressed by any other means. Many rail lines
13 have been abandoned by railroad companies, and are routed back
14 to the proper unit through the Service Transportation Board.
15 This conversion program actually -- so, there's actual regional
16 plans that exist to convert some historical rail lines into a
17 Rails to Trails type program, and this conversion happened over
18 in Missouri with potential plans in Kansas, and that's what kind
19 of sparked our discussion and our investigation into the rail
20 lines, because of this change -- potential change in exposure
21 through recreational use of those abandoned rail lines.

22 So, our remedial investigation, 102 test pits were
23 investigated at 34 locations. If you go back to that previous
24 map, these were sampling locations, all of these numbered areas
25 throughout. So there were 34 test locations, several test pits

1 at each location, to total 102, and they were selected to show
2 varying degrees of condition. The ones that were still in
3 pretty good shape where the lines were gone and the ties were
4 gone, but the ballast was still in the same shape as it kind of
5 was when the rail line was in operation, to the ones that have
6 been manipulated and spread across the longer distance or have
7 been washed away by the water, as well. So, they were sampled
8 at 6-inch intervals down to four feet, and analytical results
9 and visual observations were used to determine the assumption
10 that there is consistency along the line in the depth of chat
11 and the contamination of -- if it had migrated to any of the
12 soil or not.

13 So, based on RI, the contaminants of potential concern
14 included lead, zinc, and cadmium, and these COPCs (Contaminants
15 of Potential Concern), were found to be widespread in both
16 surface and subsurface railbed materials, but no hot spots, per
17 se, were indicated from the data, and that metals concentrations
18 generally decreased in samples and soil collected beneath the
19 chat, if it was encountered above the target depth of 48 inches.

20 So, once we hit that native soil underneath the chat is when we
21 saw a sharp metals concentration decrease.

22 So, as part of our -- in support of this proposed plan and
23 the ROD, we performed a Human Health Risk Assessment (HHRA), and
24 lead -- and for human health, lead in the soil is typically the
25 greatest threat of lead mining Superfund Sites, and a Site

1 Specific Human Health Risk Assessment is used to evaluate the
2 potential and future risks to humans from site-related
3 contaminants, which in this instance was lead, zinc, and cadmium
4 -- they were investigated, and then informs people about
5 potential human health risks and assists in determining the need
6 to clean up a site.

7 So, in support of this proposed plan, this Human Health
8 Risk Assessment was performed and found that lead is the primary
9 potential contaminant of concern for humans, even though other
10 metals do exist. Humans can be exposed to lead in several ways,
11 because lead is widespread in the environment. A lead specific
12 model was used to look at multiple ways a human can be exposed
13 and affected by lead, and the sampling results from the RI and
14 supplemental sampling for this Human Health Risk Assessment were
15 used to calculate the risk to humans. So, again, the risks of
16 lead, typically children, up to 84 months in age, are the most
17 sensitive group, when exposed to lead contamination. They are
18 generally more affected than older children and adults, and the
19 biggest effect to children is damage to their central nervous
20 system and learning disabilities.

21 So, the exposure properties identified and evaluated in
22 this Human Health Risk Assessment include incidental ingestion
23 of surface and subsurface soil, dermal contact with surface and
24 subsurface soil, and then inhalation of airborne soil
25 particulates. Both high and low frequency recreational

1 visitors, and hypothetical future workers were identified as
2 potentially exposed receptors for OU 08 specifically. So -- and
3 then the recreational visitors were seen as both child,
4 adolescent, and adult, and those that may walk, hike, and/or
5 trespass along a former rail line, and be exposed via direct
6 contact to surface soils along the rail lines. And then that
7 hypothetical future worker was assessed for both surface and
8 subsurface soil risks.

9 Based on the results of our Human Health Risk Assessment,
10 human health risks for all identified human populations were
11 below our non-cancer hazard indices, and cancer risks were
12 within EPA's target risk range for non-lead metals. And then,
13 for lead, using our lead specific models for both children
14 adults, the probability for blood lead levels that would exceed
15 10 micrograms per deciliter were below EPA's health-based
16 guidelines for all human populations. So, to boil that down,
17 the results of our Human Health Risk Assessment was there was no
18 risk based on our goals and our indices for lead, zinc, and
19 cadmium. That Health Protection Goal that I referenced states
20 that there should be no more than a five (5) percent chance of
21 exceeding a blood lead level of 10 micrograms per deciliter in a
22 given child.

23 So, for the ecological risks, lead, zinc, and cadmium in
24 media are typically the greatest threat to ecological receptors
25 at a lead mining Superfund Site, and again, just like for human

1 health, a site-specific Ecological Risk Assessment for potential
2 and future risks to ecological receptors for site rated
3 contaminants is evaluated, and then informs people about
4 potential ecological risks and then assists in determining the
5 need to clean up a site.

6 So, for the OU 08, Ecological Risk Assessment, it was
7 completed by EPA in 2015, and then a streamlined approach was
8 used to compare to existing site clean-up levels that had
9 already been established for the Cherokee County Superfund Site
10 under the ROD, Record of Decision, for OU 03 and 04, back in
11 1997. So, the clean-up levels are meant to represent
12 concentrations above which animals may exhibit impaired health
13 from exposure to metals. And so, compared to these clean-up
14 levels, lead and zinc contamination was widespread on the rail
15 lines. And then, OU 08-specific clean-up levels were then
16 developed after that comparison, due to the limited wildlife
17 exposure to these rail lines.

18 So, prior to adjusting the clean-up levels for the rail
19 lines, it was shown first that it would be more simply done to
20 focus on zinc and lead only. Both zinc and lead poisoning had
21 been documented in wildlife in the Tri-State Mining District,
22 and some studies show that high concentrations of zinc may
23 interfere with the absorption of cadmium and along with, of
24 course, close correlation between these two elements, probably
25 protects terrestrial food chains somewhat from cadmium

1 poisoning. So, we decided to focus more on the zinc and lead
2 for our Ecological Risk Assessment and the development of
3 clean-up levels specific to OU 08. It is for a short-term
4 exposure scenario and these rail line-specific clean-up levels
5 include the 1,770 milligrams per kilogram for lead, and 4,000
6 milligrams per kilogram for zinc.

7 So, our proposed plan includes background data, recent
8 study results, and then the public comment period information,
9 and then based on the Human Health Risk Assessment, the human
10 health risk does not exceed risk ranges or indices for non-lead
11 metals, and does not exceed the health protection goal for lead.

12 And based on the Ecological Studies, the clean-up numbers for
13 the inactive rail lines are 1,770 parts per million for lead,
14 which is the same as milligrams per kilogram, which is a
15 conversion, and then 4,000 parts per million for zinc. And
16 based on the risks and exposures associated with the inactive
17 rail lines, the ecological clean-up numbers were selected for
18 our proposed clean-up. And then, finally, this explains the EPA
19 Preferred Alternative.

20 So, in the Feasibility Study, and then in our Proposed
21 Plan, a total of four alternatives were presented as a potential
22 remedy for the inactive rail lines for OU 08, and they include
23 first, the Alternative 1, as No Action. And then, Alternative 2
24 is Source Removal and On-Site Consolidation and Capping. The
25 third Alternative is Source Removal with Consolidation and

1 Capping of Existing Consolidation Area at OUs 03 and 04. The
2 fourth Alternative is On-Site Capping.

3 Within the proposed plan, nine criteria are used to
4 analyze and prepare the Alternatives, and these are -- they are
5 in three categories. First, the threshold criteria, which
6 include protection to human health and the environment, and
7 meeting state and Federal laws and requirements or ARARs, and
8 they -- these two have to be met, and in balancing the modifying
9 criteria, do exactly that, but they don't have to be met, and
10 accrued long-term effectiveness and permanence, reduction of
11 toxicity, mobility, or volume of contaminants through treatment,
12 short-term effectiveness, implementability, cost, state/support
13 agency acceptance, and then community acceptance.

14 So, Alternative 1 - No Action, was deemed not protective
15 of human health or the environment since it does not provide a
16 remedy to human health or the environment at OU 08, and also
17 does not meet most of the other criteria.

18 Alternative 2 does provide protection to ecological
19 receptors through excavation and capping of contaminated
20 materials to limit exposure and transport of contaminants, but
21 this alternative does leave contaminants -- contaminated
22 materials on-site, and under this alternative contaminated
23 materials would be excavated and consolidated in small on-site
24 containment areas. It would be assumed they would be in or
25 along some of the inactive rail lines, would be where these

1 on-site capping areas would be. And for the remaining criteria,
2 Alternative 2 was favorable, and at an estimated cost of \$14.9
3 million.

4 Alternative 3 also includes -- provides protection of
5 ecological receptors through excavation and capping of
6 contaminated materials. This alternative does remove all
7 contaminated materials on-site, and therefore is the most
8 protective of the environment. Under this alternative, the
9 contaminated materials would be excavated, consolidated, and
10 capped at existing or future planned consolidation areas, again,
11 in OUs 03 and 04, and it is just assumed that there is capacity
12 at these consolidation areas to take this waste, estimated for
13 OU 08. And then for the remaining criteria, Alternative 3 was
14 favorable at an estimated cost of \$16 million.

15 And our last Alternative, again, provides protection of
16 ecological receptors. It does remove all contaminated
17 materials, and therefore, is protective -- I apologize. It does
18 leave materials on-site. They would be capped in place and
19 maintained as part of Operations and Maintenance. For the
20 remaining criteria, Alternative 4 is again favorable. Although
21 the estimated cost was \$10.4 million, it does have a higher
22 Operations and Maintenance cost, because we would maintain the
23 39 miles of inactive rail line.

24 So, in comparison of Alternatives, Alternative 3 would be
25 the most protective due to the removal of the contaminated

1 materials. Alternatives 2, 3, and 4 would significantly reduce
2 the mobility of the contaminants, but only Alternative 3 reduces
3 the volume, and then none of the Alternatives would reduce the
4 toxicity of the contaminants. Alternatives 2 and 3 have
5 increased short-term risks for the environment during
6 construction with the production of dust, and any kind of
7 construction work, and Alternative 4 has fewer short-term risks
8 because the material would be capped instead of excavated. All
9 Alternatives are implementable, and although at a higher capital
10 cost, Alternative 3 has the lowest O&M, Operations and
11 Maintenance costs, compared to Alternatives 2 and 4.

12 So EPA's preferred Alternative is Alternative 3, and it
13 would include the removal of contaminated materials above and
14 below grade, and backfilling the excavated area with clean soil,
15 and then revegetated. That -- the excavated materials would be
16 taken to existing or future consolidation areas at OU 03 and 04,
17 and then the estimated cost for the preferred Alternative is
18 just over \$16 million.

19 So, the Public Comment Period for this proposed plan
20 started on Saturday, August 13th, and will run until September
21 13th. The Administrative Record File, which includes the
22 Proposed Plan and documents used to support the Proposed Plan is
23 available for review at this web address, and is also available
24 at our address up in Lenexa, Kansas. So, we will begin our
25 questions.

1 Do you want me to scroll back to it? Yes. There we go.

2 If you Google "Cherokee County EPA" it pulls up what is
3 called a Site Profile Page, and it shows the progress of the
4 site, and then in the lower right-hand corner, there's a link
5 that says "Administrative Record," and there's also a place for
6 additional reports and documentation. So, it is a great place
7 to go. If you just Google "Cherokee County EPA," it is the
8 first thing that pops up.

9 **MR. DOOLAN:** So we encourage you all to go take a look at
10 that website. I think Liz has done a great job of getting
11 everything on there. You can read the whole entire Plan in a
12 lot more detail than what's been covered tonight. We encourage
13 you to do that. With that, we are going to go ahead and open it
14 up for questions and answers. We would ask you again, if you
15 would, if you wouldn't mind, come up and speak into the
16 microphone so our court reporter can get everything down exactly
17 as you ask it. We will try to answer all of your questions
18 tonight. If there is something we can't answer, we will -- we
19 will take that question back and we'll get back with you, and of
20 course, it will be part of the Responsiveness Summary, and that
21 is published here with the Record of Decision, and --

22 With that, we look forward to hearing your questions.

23 **MR. CARNEY MORGAN:** What's the proposed start on this?

24 **MS. HAGENMAIER:** It is dependent on funding.

25 **MR. MORGAN:** What does that mean?

1 **MS. HAGENMAIER:** What does that mean? This would be
2 Fund-Lead work, which means it comes from Congress, but it is,
3 again, that's all I can say is it dependent on funding, but we
4 would -- what we were looking at for construction if -- whenever
5 we start, would be 200 days to complete the construction, but
6 then again, the start time whenever that would be, again, is
7 dependent on funding.

8 **MR. MORGAN:** Are you just going to rebuild the material
9 or are you going to clean up the land and do the necessary dirt
10 work and flood control and along with the remediation --

11 **MS. HAGENMAIER:** Absolutely.

12 **MR. MORGAN:** -- when it is done?

13 **MS. HAGENMAIER:** Yes.

14 **MR. MORGAN:** But there is no timeframe?

15 **MS. HAGENMAIER:** Again, depending on funding. I can't
16 speak to that.

17 **MR. DOOLAN:** So the way our actions usually work at EPA is
18 we will sign a Record of Decision, and then we have to take that
19 Record of Decision to Headquarters in Washington, D.C., and it
20 goes before a Prioritization Panel, because we -- you know, in
21 our Region, we compete for funding like all of the other Regions
22 that are out there, and Headquarters makes a decision on the
23 highest priority of the sites for that particular year, ranks
24 them from 1 to however many sites are ready for remediation, and
25 then depending on the money that each site asks for, and the

1 funds available, it kind of depends on which site is going to
2 get the funding.

3 So, the answer to your question is 200 and some days to do
4 the remedy, but until we go before the Prioritization Panel at
5 Headquarters, and go through all of the funding, we really don't
6 have a start date yet.

7 **MR. MORGAN:** Why wasn't this done at the abandonment at
8 the time, when the railroad was abandoned? EPA knew it was
9 contaminated then, and it's been ten years since -- fifteen
10 years since it was abandoned.

11 **MR. DOOLAN:** I don't know that we can answer that question
12 tonight. I mean, we have got priorities on the way that we've
13 been doing the sites, and working down the lists through the
14 various Operable Units.

15 **MR. MORGAN:** Well, there's been some landowners that
16 remediated it themselves, and has cleaned it up themselves,
17 and then there's been others like me that's been stopped from
18 doing it, and we've been waiting seven years since we were
19 stopped from doing it, and we want to know whether we're going
20 to be able to do it, or whether the EPA's going to do it, and we
21 don't want to wait another seven or ten or fifteen years.

22 **MR. BOB RICHARDS:** This is Bob Richards and I'm an
23 attorney for the EPA.

24 Like Mark said, you know, there's priorities. They try to
25 address the biggest problems first, and the smaller problems,

1 and also in a logical order; you don't clean up the stream
2 before you clean up the land that's contaminating the streams.
3 But as far as the timing and the seven years and as far as the
4 landowner taking the initiative to go ahead and handle the
5 contaminated areas, t this time, my recommendation is do not do
6 that. You know, this is subject to an EPA action at this point,
7 and you know, all I can say is that we use our best efforts to
8 address it as soon as possible. I mean, I can't give you
9 anything more than that.

10 **MR. LYLE MARTIN:** My name is Lyle Marvin. I live on
11 [REDACTED], and if I'm understanding correctly, this
12 abandoned railroad is about a quarter mile from my home. I live
13 up between [REDACTED], and my concern is the
14 leeching and migration of the contaminants, what kind of area on
15 either side of the railroad bed is going to be involved.

16 **MS. HAGENMAIER:** Okay, so your concern is the -- how far
17 out? Well, what we have found based on our investigation, it
18 goes fifty to a hundred feet away from that main line --

19 **MR. MARTIN:** Okay.

20 **MS. HAGENMAIER:** -- but we would follow where it is, above
21 our clean-up levels that we proposed.

22 **MR. MARTIN:** Like I said, I'm approximately a quarter of
23 mile from them, and I didn't know the range and everything else,
24 how far the contaminants would go.

25 **MR. DOOLAN:** We've done numerous studies throughout the

1 Tri-State Mining District, looking at that exact question, and
2 how far metals will migrate away from a pile, and typically we
3 haven't found that metals will migrate any further than a couple
4 of hundred feet, and that's on the extreme side. Typically it
5 is much less than that.

6 **MR. MARTIN:** Thank you.

7 **MS. JOY BRANNON:** I have a -- my name is Joy Brannon,
8 and I'm -- I'm asking questions about my dad who has had land in
9 the area for about a hundred years with the --

10 **MR. DOOLAN:** I'm sorry, she can't hear you.

11 **MS. BRANNON:** Not loud enough I guess.

12 **THE COURT REPORTER:** We have an echoing problem in this
13 room.

14 **MS. BRANNON:** My name is Joy Brannon and I'm here in
15 respect for my dad. He's 93 years old, a Veteran of the War.
16 He has land -- the railroad has run through his land in Cherokee
17 County, which is on [REDACTED], and I just wondered, what areas
18 -- I know you've marked areas, of course, I couldn't see
19 everything, that would actually be cleaned up. Would it be the
20 whole railroad easement area that goes through Riverton area?

21 **MS. HAGENMAIER:** Yes. If it's an inactive rail line, one
22 that the rails are no longer there --

23 **MS. BRANNON:** It took coal products to the Riverton plant.

24 **MS. HAGENMAIER:** Yes. Then I know exactly where you are
25 talking about.

1 **MS. BRANNON:** Okay, and then my dad's land almost flooded
2 last December, and the waters came up. It got into two of his
3 field areas. One question I had, and it has been flooded in
4 1993 when Riverton had the big flood, and then it was fifty
5 years earlier or something like that.

6 My question -- one of my questions is concerning the
7 culverts that the railroad had or made for the railroads, for
8 the water to run from the river through, will those be broken
9 down, cleaned up, destroyed?

10 **MS. HAGENMAIER:** If it's along the rail line, it would be
11 remediated as well, and then part of our construction would
12 include erosion controls, and then getting that area to properly
13 drain, because obviously the rail line acts almost like a berm
14 --

15 **MS. BRANNON:** It does.

16 **MS. HAGENMAIER:** -- and so it would -- part of our design
17 would work with that thought in mind, would be about drainage,
18 and make it drain.

19 **MS. BRANNON:** This last Christmas, 2015, Dad and I watched
20 as the water came up again to right to the road, right before
21 [REDACTED], and some of it went across, but this time it didn't
22 flood his house. The time before it did. So that was the
23 question that we had concerning the culverts, because it allowed
24 that water to just run through from the railroad lines more than
25 once. I mean, like if those hadn't been there, it is good and

1 bad. It is both the good and bad; yes, it provides a berm, but
2 then had the openings that allowed the deep ditches fill up.

3 So you think that would be cleaned?

4 **MS. HAGENMAIER:** Absolutely.

5 **MR. DOOLAN:** Well, the major components of our designs are
6 not only removing the contamination, but it is getting natural
7 water flow. You know, the chat piles act like giant sponges, so
8 when you remove the pile you get more run-off, and that has been
9 a continuing problem throughout the Tri-State, and so one of the
10 major components of our remedy is to address erosion control and
11 site run-off, once the remediation is done.

12 **MS. BRANNON:** Will they bring back in soil -- you know, I
13 know it's going to be interrupted on both sides of, as you said,
14 so many feet, fifty to a hundred feet, would they bring in soil,
15 and if they do, where is that soil coming from to replace it?

16 **MS. HAGENMAIER:** Yes, we would bringing in soil for proper
17 drainage or also for vegetative -- for getting grass to grow.
18 Where they get the soil from is obviously something we don't
19 necessarily -- they can buy it elsewhere or --

20 **MR. DOOLAN:** It is kind of up to our contractor. You
21 know, once we award a contract, it is their responsibility to
22 make those sorts of decisions, but we do test all of the soil to
23 make sure that it is clean. We have requirements that any soil
24 brought on to the property is below our action levels.

25 **MS. BRANNON:** Part of the road for 66 was brought in,

1 Highway 400, the alternate, part of that is his corner of the
2 land was not a good soil that was brought in. It was more like
3 clay, and his soil has always been great, so I just wondered --
4 thank you.

5 **MS. HAGENMAIER:** Thank you.

6 **MR. DOOLAN:** Well, we've got like -- we still have an hour
7 and 25 minutes, so we will entertain a lot more questions if you
8 have them. We'd be happy to do so.

9 **MR. JEFF BURKETT:** My name is Jeff Burkett and I'm with
10 the Empire District. Just a general question, how does the EPA
11 consult, communicate with landowners that adjoin this rail line?
12 Is there some type of outreach to the individual property
13 owners, that -- like they just present some problems that they
14 encountered through time. I mean, does the EPA in part of their
15 planning process discover what significant or individual issues
16 exist through flooding that has occurred through time in this
17 region. I mean, what is the outreach and -- in the planning
18 phase?

19 **MS. HAGENMAIER:** In the planning phase? First, we start
20 with the County database in finding property owners, and then
21 obviously reaching out to those property owners, identifying --
22 in this instance, we have some toss-up between if its Burlington
23 Northern Santa Fe Railroad, or an individual property owner, and
24 in some instances we have some areas that showed both owning the
25 property or neither, so especially with the rail lines, it was a

1 concern of learning who owned the property, especially with this
2 conversion program. But as part of our planning process, it is
3 working with the County and seeing who owns the property there,
4 obtaining tax records, and then working from that, and then
5 opportunities such as this to build our mailing list for our new
6 Operable Units such as this.

7 **MR. BURKETT:** Creating a platform for an outreach --

8 **MR. DOOLAN:** We get Access Agreements. We cannot go on
9 any property and do any clean-up without an Access Agreement.
10 So, first of all, we are going to be contacting every single
11 landowner to get the signed Access Agreement. So, at that time,
12 there will be interaction with the property owner, and
13 certainly, you know, we work with each individual property owner
14 as those remedial designs are being prepared to discuss concerns
15 like what this lady brought up.

16 **MR. BURKETT:** It sounds like being involved with the
17 adjacent property owners. I was just curious as to how that
18 process worked.

19 **MR. RANDY FRENCH:** My name is Randy French. I live off of
20 [REDACTED] and north of Riverton, and an
21 abandoned row of track is on the west side of my property from
22 top to bottom all of the way, and I have fences, and will those
23 fences be replaced by me or by you or --

24 **MS. HAGENMAIER:** By us.

25 **MR. FRENCH:** Okay.

1 **MS. HAGENMAIER:** By EPA.

2 **MR. FRENCH:** And also, it has grown up tremendously and
3 all of the trees and all of the stuff has grown up on it. What
4 will happen to them?

5 **MS. HAGENMAIER:** They would be taken out. Obviously, we
6 work with property owners; if there are large trees that you
7 would like to save, which in some instances I think I know where
8 you are speaking of, that we can try saving those, but the
9 majority of that does end up getting removed as we try to
10 excavate the material out.

11 **MR. FRENCH:** As you are removing the material, as it goes
12 -- Lostine goes over the railroad track, will that all be torn
13 out and replaced as well, so it's smooth across, I guess,
14 instead of a bump?

15 **MS. HAGENMAIER:** Yes. Yes.

16 **MR. FRENCH:** Another thing is, there's a culvert there on
17 Lostine on the -- I guess it would be on the east side of the
18 railroad track, and the water drains from the north to the south
19 on my property, and whenever it rains a lot, the whole west side
20 of the railroad track, or the east side of the railroad track is
21 probably about three foot deep with water. Does that mean that
22 there -- that that would all be tested to see if any of that was
23 leeching off of the railroad track, as well, so it would be out
24 of my pasture is what I'm trying to say?

25 **MS. HAGENMAIER:** I understand. Yes, we would do

1 additional testing as part of our remedial design.

2 **MR. FRENCH:** So if it is found there is stuff in my
3 pasture, would my pasture be --

4 **MR. DOOLAN:** Typically during our design, and especially
5 during remediation, we'll be, you know, addressing the
6 contamination we know about, and sampling to find the edges of
7 that during our design. So, we will be out there in the field
8 with portable instruments that read the metals, and we can --
9 you know, we follow it all of the way out until the level where
10 it falls below our access.

11 **MR. FRENCH:** I've been out there before when it's been
12 raining, and I've seen a lot of water collecting and the culver
13 that is under Lostine is about here (indicating), and the water
14 is that has collected about here or so, if it was lowered, then
15 the water would go down south. It is still collecting in the
16 pastures.

17 Thank you.

18 **MS. HAGENMAIER:** Thank you.

19 If you have additional questions, I think that -- that's
20 what those cards are for on the table, as well. You can write
21 questions or comments down, as well. That would be part of our
22 Responsiveness Summary.

23 **MR. DOOLAN:** And also, as Liz mentioned, the Public
24 Comment Period doesn't close until September 13th, so you can
25 always mail in comments.

1 Have you got an address up?

2 **MS. HAGENMAIER:** Yes.

3 **MR. DOOLAN:** You know, any questions you have between now
4 and the 13th, or any comments that you want to make, we'll
5 certainly accept those. All of those will be taken into
6 consideration as we are preparing our Record of Decision. As
7 Liz said, one of our nine criteria is public acceptance, so we
8 do want to hear from you on your -- your thoughts on our plan,
9 whether you like it, whether you don't like it. If you have any
10 concerns, questions, whatever. You can mail them in, and
11 probably e-mail them?

12 **MS. HAGENMAIER:** You can e-mail, call, or --

13 **MR. DOOLAN:** Any way you would like to do it; hard mail,
14 e-mail, telephone, and we will respond to them when we receive
15 them.

16 Anything else? One last time!

17 Well, in light of no further questions, I guess we will
18 adjourn.

19 Thank you all for coming out tonight.

20 [End: 7:18 p.m.]

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NOTARIAL CERTIFICATE

I, SANDRA L. HEDGES, do certify that there came before me,
at the Community Center Building located at 1101 East Avenue,
Baxter Springs, Kansas 66713, the above-referenced parties,
that the proceedings were translated and proofread, and the
above transcript of proceedings is a true and accurate
transcript of my notes as taken at the time of said event. I
further certify that I am neither attorney nor counsel for nor
related nor employed by any of the parties to the action in
which this examination is taken; further, that I am not a
relative or employee of any attorney or counsel employed by the
parties hereto or financially interested in this action.

Dated this 16th day of August, 2016.

SANDRA L. HEDGES, Notary

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